

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

C.A. NO.: 04-12491NMG

* * * * *
MICHAEL B. HANDRIGAN, *
Plaintiff, *
v. *
TRAVIS & NATALIE, INC., *
Owner of F/V TRAVIS & NATALIE, *
Defendants. *
* * * * *

JOINT SCHEDULING STATEMENT

The parties in the above-captioned action submit the following Joint Scheduling Statement in accordance with the Notice of Scheduling Conference, dated February 23, 2005, and pursuant to the provisions of Fed. R. Civ. 16(b) and Local Rule 16.1. An initial scheduling conference will be held on May 5, 2005 at 3:00 p.m. in Courtroom No. 4.

I. Matters to be discussed at Scheduling Conference.

A. Obligation of Counsel to Confer

Counsel for the parties have conferred in accordance with the provisions of Local Rule 16.1 (B). Discovery is proceeding in accordance with Local Rule 26 and a proposed joint discovery plan is contained below.

B. Settlement Proposals

The plaintiff has presented a settlement proposal to the defendant in compliance with Local Rule 16.1. Defense counsel shall confer with an authorized representative of their client on the subject of settlement and shall be prepared to respond to the proposal at the scheduling conference

C. Proposed Discovery Plan

The above entitled action was filed with this Court on November 24, 2004. Pursuant to Rule 16(b) of the Fed. R. Civ. P. and Local Rule 16.1 (F) the parties propose the following:

1. All amendments and/or supplements to the pleadings to be filed by June 3, 2005
2005 reserving the right to amend and/or supplement if new evidence is introduced as result of discovery.
2. Written discovery to be completed by August 15, 2005, 2005.
3. All factual depositions are to be completed by September 17, 2005.
4. The plaintiff shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(b) by September 29, 2005. The defendant shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) by October 14, 2005.
5. All expert depositions to be completed by November 11, 2005.
6. All dispositive motions, and/or motions for summary judgment, are to be filed by December 9, 2005.
7. A final pretrial conference will be held on or about January 31, 2006, unless dispositive motions remain pending at that time.

D. Trial by Magistrate Judge

The parties reserve the decision as to trial by magistrate judge until after discovery.

E. Certification

Both parties certify that counsel and respective clients have conferred with a view to establish a budget for litigation and alternative dispute resolution. The certification is jointly filed with this Joint Scheduling Statement.

Respectfully submitted,
for the Plaintiff,

/s/ David B. Kaplan
DAVID B. KAPLAN, ESQUIRE
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Dated: 5/2/05

Respectfully submitted
For the Defendant

/s/ J. Renn Olenn
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(401) 737-3700

Dated: 5/2/05

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Joint Certification Pursuant to Local Rule 16.1 (D)(3)

Counsel hereby certify that they have engaged in discussions with their respective clients concerning a budget of costs for this litigation and an alternative dispute resolution mechanism, as required by Local Rule 16.1(D)(3).

Attorney for the Plaintiff,
MICHAEL B. HANDRIGAN

Attorney for the Defendant,
TRAVIS & NATALIE, INC.,
Owner of F/V TRAVIS & NATALIE,

/s/ David B. Kaplan
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